

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|------------------------------|---|---------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | Criminal No. 05-30042-MLW |
| v. |) | |
| |) | |
| CESAR CRUZ and RICARDO DIAZ, |) | |
| Defendant |) | |

DEFENDANTS' JOINT MOTION FOR A BILL OF PARTICULARS

Now come the Defendants, Cesar Cruz and Ricardo Diaz, and move this Court for an order requiring the prosecution to disclose to the Defendants the following particulars of the offense with which they are charged. In Count One of the indictment, the Defendants are charged with violation of Title 21 of the United States Code, Section 864 - conspiracy to possess with intent to distribute and distribution of cocaine. The Defendants would move that the Government provide a bill of particulars regarding the following matters embraced within the indictment.

1. The names of all conspirators presently known to the government and their addresses at the time of the alleged perpetration in the alleged conspiracy.
2. Any overt act not enumerated in the complaint, concerning which acts the government intends to offer evidence at trial.
3. The place or places which the government alleges that the overt act(s) occurred, the date of

the commencement of the alleged conspiracy through the date that the government alleges that the conspiracy ended.

4. All dates which the government alleges the conspiracy took place, including the inception date and the ending date.

THE DEFENDANT
RICARDO DIAZ

THE DEFENDANT
CESAR CRUZ

/s/ Terry Scott Nagel, Esq.
By His Attorney
Terry Scott Nagel, Esq.
BBO# 366430
95 State Street, Suite 918
Springfield, MA 01103
Tel: (413) 731-8811
Fax: (413) 731-6641

/s/ Joseph A. Franco, Esq.
By His Attorney
Joseph A. Franco, Esq.
BBO# 543038
51 Park Avenue, Suite 7
West Springfield, MA 01089
Tel: (413) 737-2675
Fax: (413) 747-1721

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 11, 2006.

/s/ Joseph A. Franco, Esq.